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In re Application of	:	
ABOU CHACRA-VERNET et al.	:	
Application No.: 10/519,166	:	DECISION
PCT No.: PCT/FR03/01933	:	
Int. Filing Date: 24 June 2003	:	ON
Priority Date: 25 June 2002	:	
Attorney Docket No.: 1169-032	:	PETITION
For: Solid Pharmaceutical Composition Containing A	:	
Lipophilic Active Principle And Preparation Meth...	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 19 June 2006.

### DISCUSSION

In a decision mailed on 17 March 2006, the petition under 37 CFR 1.47(a) filed on 26 October 2005 was dismissed without prejudice because

Regarding requirement (2), ... The petition refers to an accompanying "Statement of Facts" signed by Beatrice Ores which describes "steps [which] were taken to obtain the signature of Dominique TOSELLI." Taken together with the accompanying annexes (specifically, the copies of French language letters to Mr. Toselli and accompanying English translations), the evidence submitted tends to show that the declaration of inventorship was sent to Mr. Toselli for signature at a certain address in Toulouse, France. However, the evidence does not demonstrate that a complete copy of the application papers was presented to him. In the absence of a showing that Mr. Toselli was presented with a complete copy of the application papers, it would not be appropriate to conclude that he has refused to execute the declaration within the meaning of 37 CFR 1.47.

Regarding requirement (3), the petition does not include an affirmative, explicit statement of the last known address of Dominique Toselli. Accordingly, requirement (3) has not been satisfied.

The instant renewed petition includes an explicit statement of Mr. Toselli's last known address, thereby satisfying requirement (3).

With respect to requirement (2), petitioner refers to an attached letter from Beatrice Ores, and argues that "a 'complete copy' of the application was effectively presented to Mr. Toselli for execution." Review of the letter from Beatrice Ores suggests that counsel has not yet followed the formal step of presenting Mr. Toselli with a complete copy of the application; instead, counsel appears to state that "this is not necessary" because "he was able to identify the invention concerned" without a complete copy of the application papers being presented to him. Whether or not "it is beyond clear that Mr. Toselli knew the subject matter and content of the present application," it has not been established that he knew all of the specifics of what subject matter

was actually incorporated into the patent application he has been asked to execute. As such, it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

**DECISION**

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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